

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
TAVEON TURNER, on behalf of himself and	:	
all others similarly situated,	:	
	:	
Plaintiffs,	:	24-CV-8020 (VSB)
	:	
-against-	:	<u>ORDER</u>
	:	
ALTITUDE CLUB NYC CORP.,	:	
	:	
Defendant.	:	
-----X	:	


VERNON S. BRODERICK, United States District Judge:

Plaintiffs filed this action on October 22, 2024, (Doc. 1), and filed an affidavit of service on November 25, 2024, (Doc. 5). The deadline for Defendant to respond to Plaintiffs' complaint was December 10, 2024. (*See* Doc. 5.) On January 27, 2025, I directed Plaintiffs to seek default judgment by no later than February 3, 2025. (Doc. 7.) I warned, "If Plaintiffs fail to do so or otherwise demonstrate that they intend to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b)." (*Id.*) To date, Defendant has not appeared or responded to the complaint. Plaintiffs, however, have not sought default judgment or taken any action to prosecute this case.

Accordingly, Plaintiffs' claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: February 10, 2025
New York, New York


VERNON S. BRODERICK
United States District Judge